

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Revision of the Commission's Rules
To Enhance Compatibility with
Enhanced 911 Emergency
Calling Systems

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) CC Docket No. 94-102/
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**UPDATED PHASE II E-911 REPORT
AND REQUEST FOR LIMITED WAIVER**

I. Revised E-911 Report and Request for Limited Waiver

MP Communications Partners, L.P. ("MP"), pursuant to the Commission's Public Notice of October 12, 2001¹ and the Wireless Telecommunications Bureau's Public Notice of October 19, 2001,² hereby provides an updated E-911 implementation report and requests a limited waiver of Section 20.18(g) of the Commission's rules regarding implementation of Phase II E-911 service.

II. History

MP obtained a wireline cellular license for unserved areas within the Albuquerque, NM MSA in 1995. MP entered into a management agreement with U S WEST NewVector Group, Inc. (now Verizon Wireless) to construct and operate MP's cellular system under

¹ See FCC Public Notice, "Commission Establishes Schedule for E911 Phase II Requests by Small and Mid-sized Wireless Carriers," CC Docket No. 94-102, FCC 01-302 (released October 12, 2001). MP has a management agreement with Verizon Wireless. MP only recently learned Verizon Wireless' extension request did not include the necessary E-911 waiver for MP's cellular system.

² See FCC Public Notice, "Wireless Telecommunications Bureau Provides Guidance on Filings by Small and Mid-Sized Carriers Seeking Relief From Wireless E911 Phase II Automatic Location Identification Rules, CC Docket No. 94-102, DA 01-2459 (released October 19, 2001).

MP's oversight, supervision, and control. MP's system became operational in May, 1996. MP's system currently provides analog and CDMA digital cellular service, and its calls are switched by Verizon's switch, located in Albuquerque.

III. Revised E-911 Report

MP previously reported to the Commission that it intended to employ a network solution to meet the requirements of Section 20.18(g) of the Commission's rules.³ Since that time, MP's manager, Verizon, has done significant testing and determined that no network solution can meet the deadlines set forth in the Commission's rules. The Commission granted Verizon a limited waiver of the schedule set forth in Section 20.18(g) in order to implement a handset solution that meets the requirements of the rules.⁴ Specifically, Verizon plans to implement a network Assisted Global Positioning System/Advanced Forward Link Trilateration ("AGPS/AFLT") handset solution. MP hereby notifies the Commission that it intends to implement the AGPS/AFLT solution, and requests that the Commission grant MP the same limited relief regarding the schedule for implementation of Phase II E-911 service.

IV. MP's Waiver Request Meets the Standards of the Commission's Rules.

The Commission set forth the standards for waiver requests in its E-911 Order. Specifically, the Commission found that Phase II E-911 waiver requests must be specific, focused and limited in scope; must be as close as possible to full compliance; and must demonstrate a clear path to full Phase II compliance.⁵ The Commission found that, with

³ See MP Communications Report, dated January 10, 2001.

⁴ MP hereby incorporates Verizon Wireless' "Updated Phase II E911 Report and Request for Limited Waiver" filed on July 25, 2001 herein by reference.

⁵ Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Fourth Memorandum Opinion and Order, 15 FCC Rcd 17442, 17457 (2000) (*Fourth Memorandum Opinion and Order*).

respect to its digital service, Verizon's extended implementation plan for its markets met the requirements of the Commission's rules. With regard to Verizon's analog cellular service, the Commission's waiver is conditioned on Verizon's implementation of digital service where Verizon receives a PSAP request where more than 50% of the PSAP's coverage area is covered by the Verizon analog-only service.

MP has recently upgraded its two (2) cell sites in order to provide digital service in its service area. In addition, calls on MP's cellular system are switched by Verizon's Lucent equipment deployed to serve the Albuquerque, NM area. As part of the extended implementation plan granted to Verizon, Verizon agreed to begin deployment of Phase II E-911 compliant equipment at its Lucent switch in November, 2001, and to have such deployment for Lucent equipment completed by April, 2002. Therefore, MP expects that its upgraded cell sites will become compliant on the same schedule as the Commission granted to Verizon.

With regard to handsets, as noted above, MP operates a small unserved area within the Albuquerque, NM MSA. The area served is sparsely populated and currently cannot economically support even a single retail sales outlet. Consequently, MP believes that a waiver of Section 20.18(g)(1) and (2) is not required. However, to the extent MP is begins to market handsets directly to the public, MP requests that it be granted the same schedule for handset deployment as Verizon. As documented in Verizon's waiver request, a limited waiver of Section 20.18(g)(1) and (2) is justified because handsets compatible with AGPS/AFLT service only became available commercially last month. As approved by the Commission, Verizon will implement handset solutions in accordance with the following schedule: 25% of new activations by July 31, 2002; 50% of new activations by March 31, 2003; 100% of new activations by December 31, 2003; and 95% of existing handsets by

December 31, 2005. Therefore, to the extent necessary, MP requests that it be granted a waiver of Section 20.18(g)(1) and (2) so that MP can implement handset deployment on the same schedule as that granted to Verizon.

Waiver of the Commission's rules is appropriate when the grant of a waiver would be in the public interest. 47 C.F.R. § 1.3. The Commission has found that E-911 waivers that are "specific, focused, and limited in scope, and with a clear path to compliance" may be granted.⁶ The Commission has found that Verizon's compliance plan meets these criteria. Despite the fact that the Commission has recognized that small carriers "may face special challenges in deploying Phase II location technology,"⁷ MP is requesting only that it be afforded the same flexibility in implementation schedule as that granted to a major national wireless carrier. In addition, the Commission has recognized that E-911 implementation plans such as Verizon's are "the best way to move rapidly to full implementation of accurate and reliable location capability for E911 calling."⁸ Thus, grant of the instant waiver request is in the public interest. MP requests that the Commission grant the same relief granted to Verizon.

V. Description of MP's Phase I E-911 Implementation

Currently, no state or local agency has requested E-911 Phase I service in the Albuquerque area served by MP's system.

VI. Status of E-911 Phase II Requests

To date, MP has not received any requests for Phase II implementation from any PSAP. Technically, it is premature to request a waiver of Section 20.18(g)(2), which provides

⁶ Id.

⁷ Id. at 25224.

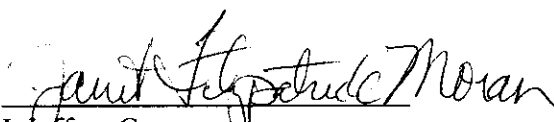
⁸ Testimony of Thomas J. Sugrue, Hearing on Wireless E911 before the Subcommittee on Communications, Committee on Commerce, Science and Transportation, United States Senate, October 16, 2001.

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for certain deadlines after a PSAP request is received. However, to the extent necessary, MP requests a waiver of these rules to meet the compliance schedule granted to Verizon in its waiver request.

Respectfully submitted,

**MP COMMUNICATIONS
PARTNERS, L.P.**

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